

# Mail Stop RCE

Modified PTO/SB/30 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

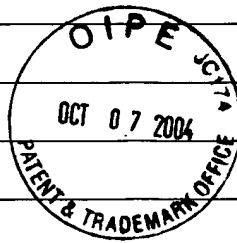
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RCE type  
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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/801,672
Filing Date	March 9, 2001
First Named Inventor	SUGIYAMA
Group Art Unit	2173
Examiner Name	K. D. Vu
Attorney Docket Number	1035-310



This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

### 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on August 9, 2004  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

10/08/2004 SSANDARA 00000002-141140 09801672  
01 FC:1801 790.00 OP  
02 FC:1253 110.00 DA 870.00 OP

### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ Applicant claims "small entity" status.
- b. ☒ Fees are attached as calculated below:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$ 790.00
- ii. ☒ Petition is made to extend the due date three months (less one months previously paid) \$ 870.00
- iii. ☐ Other \$ \_\_\_\_\_
- c. ☒ Check in the amount of \$1660.00 enclosed
- d. ☐ Payment by credit card (Form PTO-2038 enclosed)
- e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	H. Warren Burnam, Jr.	Registration No. (Attorney/Agent)	29,366
Signature		Date	October 7, 2004

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)			
Signature		Date	

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Image Patent Application of

SUGIYAMA et al.

Atty. Ref.: 1035-310

Appl. No. 09/801,672

Group: 2173

Filed: March 9, 2001

Examiner: K. D. Vu

For: IMAGE INFORMATION PROCESSING DEVICE, IMAGE INFORMATION  
PROCESSING METHOD, PROGRAM AND RECORDING MEDIUM

\* \* \* \* \*

October 7, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

An request for continued examination (RCE) under 37 CFR §1.114 was filed today for the captioned application, and was accompanied by payment for a three month extension of time.

An Amendment After Final was filed on August 9, 2004, almost two months ago. The PTO Private Pair system appears to indicate that, thus far, the August 9, 2004 Amendment After Final has not even reached the Examiner.

Had the August 9, 2004 Amendment After Final been timely acted upon, even if with a negative advisory, Applicant could have taken further action without the need of the third month extension of time. Hence, it is respectfully requested that the third month

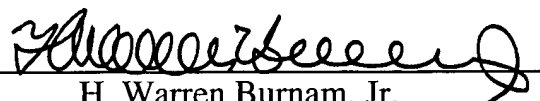
SUGIYAMA et al.  
Appl. No. 09/801,672  
October 7, 2004

extension of time fee paid today be refunded to the undersigned's deposit account no. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



H. Warren Burnam, Jr.

Reg. No. 29,266

HWB  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100